

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE RULE 45 SUBPOENAS TO  
FUTUREBRAND AND SIMON HILL

: No. 18-MC-356

: Related Action:

: *Merck & Co., Inc. et al. v. Merck KGaA*,  
: Case No. 2:16-cv-00266-ES-MAH  
: (D.N.J.)

**NOTICE OF MOTION OF MERCK & CO., INC. AND MERCK SHARP & DOHME  
CORP. TO COMPEL FUTUREBRAND AND SIMON HILL TO PRODUCE  
DOCUMENTS PURSUANT TO SUBPOENA**

**PLEASE TAKE NOTICE** that, pursuant to Rule 45 of the Federal Rules of Civil Procedure, upon the accompanying Declaration of Kevin R. Rubino, dated August 1, 2018, and the exhibits annexed thereto, the Memorandum of Law of Merck & Co., Inc., and Merck Sharp & Dohme Corp. in Support of their Motion to Compel FutureBrand and Simon Hill to Produce Documents Pursuant to Subpoena, and upon all other pleadings and proceedings herein, Merck & Co., Inc., and Merck Sharp & Dohme Corp., by their attorneys at Sidley Austin LLP, shall move this Court, at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York, on a date and time to be determined by the Court, for an Order compelling FutureBrand and Simon Hill to produce documents pursuant to subpoena, along with any other and further relief that this Court deems just and proper.

Dated: New York, New York

August 1, 2018

Respectfully submitted,

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